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South Carolina House of Representatives

Legislative Update

Robert J. Sheheen, Speaker of the House

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House Week In Review

The House Ways and Means Committee held hearings last week on the proposed restructuring plan the committee recently unveiled. Agency heads were invited to comment on the proposed draft of a restructuring plan, with some expressing support and others either expressing opposition or concern about the plan. Members of both the House Ways and Means Committee and the House Judiciary Committee may have a final plan ready this week.

By a vote of 101-0, the House approved an amended version of H. 3151, which reclassifies crimes as felonies or misdemeanors. Among the amendments added to the bill was one which makes it a felony, as currently opposed to a misdemeanor, to carry weapons on school property. This amendment also increased the maximum prison sentence imposed for this violation to 5 years. This amendment was sponsored by Representative Tim Rogers in response to recent shootings at high schools in the Columbia area.

Last week the House also approved several bills, including H. 3137, which would allow optometrists greater power to treat eye diseases and prescriber drugs; H. 3175, which stiffens sentences for fraudulent assistance of public assistance benefits; and H. 3436, which would require that children be immunized before enrolling in day care facilities.

The House also debated 2 measures, H. 3058 and H. 3059, to shorten the length of annual sessions. H. 3058 is a proposed constitutional amendment which would provide for the annual session to begin on the second Tuesday in February in odd-numbered years, while H. 3059 is a bill which would provide for the final adjournment of the General Assembly on the second Thursday in May, as opposed to the current first Thursday in June. However, because of objections to these measures the House will address these measures at a later date.

The Board of Economic Advisors last week reconfirmed the prediction it made last November that the state will have approximately \$3.6 billion in revenues for Fiscal Year 1993-1994, beginning this July 1. Under this forecast, the revenue the state will have to appropriate in next year's budget will be little changed from the current fiscal year.

Legislative Update, February 16, 1993

Bills Introduced

The following bills were introduced in the House of Representatives last week. Not all bills introduced in the House are featured here. The summaries are arranged according to the standing committee to which the legislation was referred.

Agriculture, Natural Resources and Environmental Affairs

Definition of Night (H. 3427, Rep. Snow). Under this bill, the definition of "night," as it pertains to state laws on fishing, hunting and related outdoor activities, is revised so as to mean between 30 minutes after the official sunset on a day to 30 minutes before the official sunrise of the following day.

Fishing Restriction (H. 3428, Rep. Snow). This bill amend current state law so as to prohibit anyone from taking or possessing a red drum fish exceeding 27 inches in length. Currently under state law a person is allowed to take or possess on a daily basis one red drum fish exceeding 32 inches in length.

Revised Hunting Penalties (H. 3429, Rep. Snow). This bill would decrease the fines imposed for various hunting offenses under the Federal Migratory Bird Treaty Act from the current range of \$200 to \$500 to a lower range of \$100 to \$200.

Mining Activities (H. 3432, Rep. Corning). This bill changes from 15 days to 60 days the length of time after which an application for a certificate of exploration in an areas 2 acres or less is considered approved if the applicant has not received

notification of denial of certificate. If the certificate is denied, the explorer would be given an additional 30 days, as opposed to the current 10 days, to either appeal the decision or modify the application for reconsideration by the Department of Health and Environmental Control (DHEC). In seeking a certificate for an affected area of 2 acres or less, public notice and hearing requirements would apply, the application would not be considered confidential, and material submitted with the application would not be exempt from disclosure under the Freedom of Information Act but would constitute part of the public record.

The bill also prohibits an operating permit to engage in mining from being issued unless the operator submits an environmental impact statement to DHEC indicating no adverse impact to any public or private lands, any surface or subsurface water, or air quality by the proposed mining operation in the county or counties where the mining operation is proposed to be carried out and in every other county bordering the county or counties of the proposed mining operation. Anyone seeking to modify an operating permit also would have to submit an environmental impact statement, providing the same information as listed above. The bill also expands the conditions under which an operating permit would not be granted so as not to issue a permit if the operation would constitute a substantial physical hazard to a private road or to private property.

An appeal to the courts would be taken from any decision of DHEC to approve or disapprove, or to modify or refuse to modify, an environmental impact statement under these provisions. The appellant could be any person who is aggrieved and directly affected by DHEC's decision, and the appeal could be filed in the Court of Common Pleas for Richland County or for the county in which the principal mining operation is to be conducted. Notwithstanding any other provisions of law, the proposed operator of a sandpit or quarry would be exempted from required environmental impact statements as required under these provisions.

Hunt Clubs (H. 3444, Rep. Davenport). Under this bill, a hunt club which feeds deer on land hunted by the club during a portion of a year would be required to feed the deer the same amount of feed and with the same regularity throughout the year. A person convicted of violating these provisions would be fined no more than \$200, or imprisoned a maximum of 30 days, or both. All members of a hunt club which violates these provisions could be convicted for this violation. The bill defines a hunt club as a group of people organized for the common purpose of hunting games for feed or sport.

Deer Depredation Assistance (H. 3445, Rep. Davenport). This bill provides that if a deer depredation permit issued by the South Carolina Wildlife and Marine Resources Department is ineffective in eliminating the problem of excessive damage to crops and property, then the Department, through its resources, would assist the permittee in eliminating the problem.

Education and Public Works

Drivers' License Age Requirements (H. 3441, Rep. McElveen).

This bill would raise the age requirements necessary to obtain a driver's license or permit and also strengthens the state's mandatory seat belt law. A nonresident of this state would be required to be at least 17 years of age, as opposed to the current requirement of 16 years of age, to operate a motor vehicle in South Carolina with a valid license issued by his home state. German citizens 18 and older who are employed in South Carolina and who hold a valid German driver's license would be allowed to drive in the state for 4 years. Additionally, the bill would raise from 16 to 17 the age a person must be to apply for a driver's license, while the age one must be to obtain a learner's permit would rise from 15 to 16. The age requirement for obtaining a special restricted driver's license would rise from 15 to 16. A licensed driver accompanying a person driving with a learner's permit would have to be at least age 21, as opposed to the current requirement of 18.

With regard to the state's mandatory seat belt law, the bill would raise the maximum fine imposed on a person for violating these provisions from \$10 to \$25 and would raise the maximum fine imposed on a person for an incident of one or more violations of these provisions from \$20 to \$50. The bill would allow an officer to stop a vehicle for violations of this law in the absence of another violation of motor vehicle laws.

The bill also requires that within 2 years following passage of this act, the Chief Insurance Commissioner must review the experience of insurers offering auto insurance in this state to determine whether any rate decreases are justified as a result of this act.

School Searches for Drugs and Weapons (H. 3448, Rep. Canty).

This bill would require public school board of trustees to develop a policy to allow school authorities to search, without a warrant, persons or property entering school premises for weapons and illegal drugs. Until the trustees develop this policy, school authorities would be allowed to search all persons and property entering school premises after notifying the school district's board of trustees.

Careless Driving (H. 3450, Rep. Simrill). This bill would make it unlawful for a person to operate a motor vehicle without due care and caution for the safety of persons and property. A person violating these provisions would be guilty of negligent driving and upon conviction be fined not more than \$50. No points as pertains to a person's driving record could be assessed for violation of these provisions. Upon approval, this act would be construed so as to supersede any county or municipal ordinance with substantially similar provisions.

Eligibility for Free Tuition (H. 3455, Rep. Spearman). This bill would delete the requirement that a war veteran, if his child seeks to enroll free of charge in a state-supported institution of higher learning, must have been a resident of the state for at least 18 years.

Scenic Highways Committee (H. 3463, Rep. Jennings). This bill would create a 9-member commission for the purposes of recommending criteria for designation of a scenic highway and recommending designation of highways as scenic highways. The bill lists who is to be appointed to the committee. In developing criteria for designation of a scenic highway, the committee would consider the scenic, cultural, historic, commercial and economic significance of the road and area. A written request for designating a scenic highway would be sent to the Executive Director of the South Carolina Department of Highways and Public Transportation, who then would forward the request to other committee members. The committee would review the request and make a recommendation based on the criteria established by the committee. A majority of committee members could call for a public hearing at the location where the scenic highway is proposed. If the committee recommends that a road be designated a scenic highway, this recommendation would be transmitted to the General Assembly.

The bill also provides that a governmental entity which acquires an outdoor advertising sign through condemnation or eminent domain must pay the fair market value of the sign to the owner or leaseholder of the sign as just compensation. The bill also allows the erection of signs on federal-aid highways in or near non-urban areas which provide basic directional information to the traveling public about the location of business where goods and services are sold to the public.

South Carolina Academic Scholars (H. 3489, Rep. Jaskwhich). This bill would create the designation of "South Carolina Academic Scholar" for the purpose of recognizing and rewarding outstanding performance and academic achievement on the part of public and nonpublic high school students. In order to qualify as a South Carolina Academic Scholar, a student would have to take a number of courses beyond what is required for a standard diploma, and the bill details additional courses the student must take. The student also would have to demonstrate mastery of the performance standards and basic skills required by law, or if the student attends a non-public school, achieve a combined score of 1100 on the S.A.T. or an equivalent score on the A.C.T. As an alternative to the requirements listed above, the student could also qualify by successfully completing the International Baccalaureate Program sponsored and administered by the International Baccalaureate Office. If a student meets these requirements, he must be awarded a diploma recognizing and designating the graduate as a South Carolina Academic Scholar.

The bill also provides that each South Carolina Academic Scholar who demonstrates advanced proficiency through performance

on the combined verbal and quantitative portions of an approved standardized test is entitled to automatic admission to any state-supported college, university or technical college within South Carolina if his application for admission is filed within 3 years following graduation from high school and he meets the nonacademic standards established by the institution. In addition to any scholarships or other aid he may receive, the student also would be entitled to a 5 percent reduction in each tuition payment required to be made to the college, university or school.

The bill also requires that diplomas be issued to all graduates of accredited high schools within the state and deletes the requirement that diplomas be uniform with regard to color, size and other characteristics.

Judiciary

Creation of State Law Enforcement Commission (H. 3430, Rep. Harrelson). This bill authorizes the creation of the South Carolina Law Enforcement Commission, which would be responsible for the enforcement of all criminal laws and many civil laws now being enforced by personnel employed by and under the jurisdiction of the State Alcoholic Beverage Control Commission (ABC Commission), the Department of Highways and Public Transportation, the State Law Enforcement Division (SLED), the law enforcement division of the Public Service Commission, and the conservation officers of the Department of Wildlife and Marine Resources. Employees of these agencies devoted to law enforcement functions would be transferred to the South Carolina Law Enforcement Commission. The Law Enforcement Commission also would enforce regulations and ordinances pertaining to these civil and criminal laws. The duties and powers of law enforcement personnel from the above-named agencies would be devolved upon the Commission upon the effective date of this act. All security personnel employed by the state, other than those employed at correctional institutions, would be under the direct supervision of the Commission.

The State Law Enforcement Commission would consist of 4 members, with 1 each appointed by the governor, House and Senate. The Attorney General would serve as an ex-officio, non-voting member of the Commission. The Commission would appoint a director, who would serve for a 10-year term. The Commission also would create as many divisions as considered necessary in exercising its responsibilities. The bill provides that SLED would operate as a division of the Commission, while the Highway Patrol would operate as a subdivision under the Commission. Additionally, the bill provides for abolishment of the ABC Commission as of July 1, 1993, with its powers and duties pertaining to licensing and assessment of penalties for an administrative violation of law or regulations transferred to the State Tax Commission and its law and regulation enforcement and inspections devolved to the Law Enforcement Commission. The bill also provides for a alcoholic beverage control hearing officer, who would perform the adjudicatory functions

previously under the purview of the ABC Commission. This officer would operate under the State Tax Commission and be appointed by the governor with the advice and consent of the Senate. The bill lists his duties and authority.

Definition of Child (H. 3433, Rep. Corning). Currently, as affects the State's Children's Code, a child is defined as a person under age 18. This bill states that a child is someone under 18 except that child means a person under age 17 if the person is incorrigible, beyond the control of a parent, or a runaway.

School Searches (H. 3442, Rep. Cromer). This bill would allow school administrators and officials to conduct searches, without probable cause, of student areas on school property, including, but not limited to, lockers and desks.

Eligibility for Benefits (H. 3449, Rep. Inabinett). This bill would require a pregnant woman to name the supposed father of her child as a condition for receiving public assistance benefits. Upon receiving a request or application for assistance, the particular agency or program would submit information to the Department of Social Services (DSS) for the purpose of locating the father and establishing paternity. A man admitting paternity through a settlement or voluntary agreement, or who is determined to be the father of the child, would be responsible for paying a proportionate share, based on his income in relation to that of the mother, of all pre-natal, natal and post-natal health care provided to the mother, the child, or both.

If the father is under 18 at the time action is brought to establish paternity, the father's parents would be made parties to the action. Having established or accepted an agreement or voluntary settlement acknowledging paternity, the court, if it determines that the father is unable to fully meet his obligations, would require the father's parents to pay all or a portion of the expenses.

Abandonment of Land (H. 3458, Rep. R. Young). This bill provides that land which has been dedicated for use as a road, highway, or for open space or other similar purpose by a deed or other means and which has not been opened or used for that purpose within 10 years after the dedication is presumed to have been abandoned. The bill provides procedure for declaring land abandoned and also provides exceptions.

Initiative Petition (H. 3465, Rep. McElveen). This joint resolution seeks to amend the Constitution so as to allow the state's voters to enact laws and constitutional amendments by means of initiative petition. An initiative petition would have to contain a full and correct copy of the title and text of the proposed law or constitutional amendment and be signed by at least 10 percent of those people eligible to vote at the last general election. The petition must be presented to the Secretary of State

not later than 60 days before the beginning of the next scheduled annual session of the General Assembly, at the secretary's request the State Election Commission would verify the signatures contained on the petition. After verification, the petition would be transmitted to the presiding officer of the House and the Senate, each of whom would order the petition to be prepared in bill form, reflecting that the bill is not sponsored by any member. Amendments could be added to the petition bill either in its initial preparation stage or while on the floor of the House or the Senate.

If the bill is not ratified by the General Assembly, vetoed by the governor or rejected on 2nd or 3rd reading in either chamber by the final adjournment date of the General Assembly immediately prior to the next general election, the Secretary of State would submit the proposed law or constitutional amendment to the state's voters at that general election. If a majority of the voters cast ballots in favor of the proposed law or constitutional amendment, then it becomes a law of the state or a part of the state Constitution.

If the General Assembly approves this joint resolution, this constitutional amendment would be submitted to the voters at the next general election. If approved, this constitutional amendment also would authorize the General Assembly to provide additional requirements for an initiative petition, if the requirements are consistent with these provisions.

Carjacking (H. 3466, Rep. Rudnick). This bill would make it unlawful for a person possessing a deadly weapon to take or attempt to take by violence or intimidation a motor vehicle from someone operating that vehicle or while a person is in the vehicle. A person who violates these provisions is guilty of the felony and upon conviction would be sentenced as follows:

(1) Up to a maximum of 10 years (if serious bodily injury/death did not result);

(2) Up to a maximum of 20 years if the crime results in serious bodily injury; or

(3) Punished for murder, as provided by state law. The crime of carjacking also would be an aggravating circumstance in determining the penalty for murder.

The bill defines "serious bodily injury" and "deadly weapon."

Party Affiliation Changes (H. 3470, Rep. Rudnick). This bill would require a person holding state or federal office or the post of solicitor to resign his position if he wishes to change his party affiliation. The position would be declared vacant and would be filled as prescribed by law. The person changing his party affiliation would be allowed, however, to run for the vacant seat under his new affiliation.

Prohibition of Weapons in Public Schools (H. 3472, Rep. Rudnick). This bill would prohibit a public school student from possessing a weapon while on school property or while attending a school sponsored or related activity on or off school property. The

board of trustees of each school district would include this prohibition in the district's written standards of student conduct. In addition to any other penalties as prescribed by law, a student would be subject to disciplinary action as provided by board policy and his driver's license would be suspended or the issuance of his license would be delayed for 1 year. The bill defines "weapon" and provides procedures for reporting students who violate these provisions and for confiscating their weapons.

Recall of Public Officials (H. 3473, Rep. Rudnick). This joint resolution seeks to amend the Constitution so as to allow voters to recall anyone holding public office in the executive or legislative branch of state or local governments. As proposed in this joint resolution, a public officer could be recalled for physical or mental lack of fitness; violation of his oath of office; official misconduct; incompetence; or conviction for a state felony. No official could be recalled for performing a mandatory duty of his office or for not performing an act which, if performed, would subject him to prosecution for official misconduct. The recall would be additional to, rather than a substitute for, other methods of removing public officers. This resolution provides that every registered voter of the state could sign a petition for recall of a state officer, while every person who is a registered voters of a district of the state from which a state-district officer (e.g., House or Senate member) is elected could sign a petition for recall of a state-district officer of that district. Every person who is a qualified elector of a political subdivision (local government) of the state could sign a petition for recall of an officer of that political subdivision, but if the political subdivision is divided into election districts, a person would have to be a registered voter in the election district to sign a petition to recall an officer elected from that district.

The resolution lists the number of signatures which a petition must contain, the number of which varies depending on the official being recalled. A recall petition could not contain more than 1 officer to be recalled, and no recall petition against an officer could be approved for circulation until that person has held office for 3 months. The resolution lists the procedure for circulating the petition, the form it is to take, and the procedure for calling, conducting and paying for a recall election.

Definition of Regulation (H. 3479, Rep. Sharpe). This bill would expand the definition of "regulation" as pertaining to state agencies so as to include any test, standard or criteria used by an agency to evaluate a license or permit application.

Agency Regulations (H. 3481, Rep. Sharpe). This bill would require an agency, in giving notice of a drafting period before promulgating a regulation, to include in the notice a synopsis of what the agency plans to draft and the agency's statutory authority for promulgating the regulation.

Commitment of Juveniles (H. 3486, Rep. Clyborne). This bill would allow a Family Court to commit a juvenile to a public or private institution for a determinate period not to exceed 2 years, during which he could not be released, if the juvenile has committed a second or subsequent offense which would be a felony if committed by an adult. This sentence would run in conjunction with an indeterminate sentence imposed by the court.

Expanded Jurisdiction of Family Court (H. 3490, Rep. Neilson). This bill would give the Family Court exclusive jurisdiction to require a parent or custodian of a child who receives child support to submit to the parent paying the support or to the court, or both, at times as the court requires, an accounting of expenditures made from the child support and evidence of the expenditures as the court requires.

Labor, Commerce and Industry

Alarm System Business (H. 3435, Rep. G. Bailey). This bill expands the definition of "burglar alarm system business" so as to include a person or business which installs, services or responds to a closed-circuit television for fee or other payment. The bill also provides that an "alarm service business" does not include an electrical contractor who sells, services or installs only fire alarm systems. The grounds under which the State Licensing Board of Contractors may deny a license for someone to engage in the alarm service business are expanded, and if applicable the Board under these grounds is to comply with the Administrative Procedures Act. Finally, the bill deletes the requirement that applicants for a license to engage in the alarm service business provide evidence of satisfactory completion of the National Institute for Certification in Engineering Technologies (NICET) Level III Fire Alarm Systems Engineering Technician's Competency Test.

Expansion of Workers' Compensation Fund (H. 3440, Rep. J. Bailey). This bill would allow private employers to participate, conditionally in the State's Workers' Compensation Fund. This option could be exercised only after (1) a plan of operation has been developed by the Chief Insurance Commissioner, the State Workers' Compensation Commission, and the State Budget and Control Board; (2) funds required to establish an appropriate reserve and properly process the anticipated new business under the plan of operation have been approved by the Budget and Control Board; and (3) the Budget and Control Board has declared that the private workers' compensation fund has collapsed or is no longer adequate to meet the needs of employees in the state.

The bill provides for what a plan of operation must include and states that premiums collected and investment income from private employers must be determined, maintained and accounted for separately from premiums of governmental entities. The Workers'

Compensation fund also would have to pay a tax on private employer premiums. The bill also authorizes the Chief Insurance Commissioner to examine the affairs of the private employer business of the fund and to examine that fund's methods of operation to ensure that the funds are being administered according to sound insurance practices and in the best interest of the state.

Unfair Insurance Practices (H. 3446, Rep. Wells). This bill would make it illegal for an insurer to establish a contract or agreement with a business entity to manage, handle or arrange insurance repair work or to act as an agent for the insurer in any manner where the entity sets a price which must be met by a repair shop as a condition of doing claims repair work and then retains a percentage of the claim paid by the insurer.

Prohibited Activities in Businesses Selling Alcohol (H. 3447, Rep. Haskins). This bill would prohibit anyone licensed or permitted for the sale of alcoholic liquors, beer or wine from (1) permitting a person employed by or performing activities incidental to the licensee's or permittee's business to solicit or accept from a business customer, patron or visitor, in or upon the licensed premises, anything of value; or (2) engaging or knowingly permitting a person to loiter in or about the premises for the purpose of begging or soliciting a business customer, patron or visitor to purchase anything of value. Anyone violating these provisions would be guilty of a misdemeanor and upon conviction be fined not more than \$200 or jailed not more than 30 days.

The bill states that these provisions would not apply to acceptance by the licensee, permittee, manager of the licensed or permitted business, bartender or performing musician of a drink from a business customer or patron.

Sprinkler Systems in Manufactured Homes (H. 3467, Rep. Rudnick). This bill would require all manufactured homes offered for sale after June 30, 1994 to contain a sprinkler system. The state fire marshal would promulgate regulations specifying the type of sprinkler system which must be installed.

Reduction in Auto Insurance Rates (H. 3469, Rep. Rudnick). This bill would require the chief insurance commissioner to reduce, for 3 years, the motor vehicle insurance rates for any person voluntarily attending and successfully completing a motor vehicle accident prevention course. This course would have to be approved by the commissioner. The reduction would be for any individually-owned vehicle classified as private passenger and would be in proportion to the number who complete the course if not all members complete the course. The bill states that voluntary attendance would not include any attendance ordered as permitted by a court or required by the Department of Highways and Public Transportation pursuant to any departmental regulations or violation of the laws of the state.

Fee Increase for Points Assessment (H. 3471, Rep. Rudnick). This bill provides that anyone insured under an auto insurance policy who has an otherwise clean driving record with no previous assessment of points and who for the first time violates motor vehicle laws of South Carolina for which points are assessed, is subject to only a one-time surcharge or increase in the recoupment fee, based on assessment of points, of \$100 for the violation. Under no circumstances would any surcharge or increase in recoupment fee, based on assessment of points, be applied or assessed against an insured under an auto insurance policy after the date on which the points are removed or required by law to be removed from the insured's driving record with respect to any violation of the state's motor vehicle laws, regardless of whether or not the violation is a first-time offense.

Removal of Points (H. 3474, Rep. Rudnick). This bill provides that when points are removed by the Department of Highways and Public Transportation from the driving record of a person who has been assessed points for 1 or more violations of the state's motor vehicle laws, the Department would send written notice of the removal to the person's auto insurer named in the Department's records, at which time the insurer would eliminate all points imposed against the person by the insurer for the same violation(s) or with respect to accidents or collisions giving rise to the violation(s).

False Health Payment Claims (H. 3482, Rep. Sharpe). Under this bill, anyone who knowingly causes to be presented a false claim for payment to a Health Maintenance Organization (HMO) transmitting business in South Carolina, or to any person, including the State of South Carolina, providing benefits for health care in this state, whether administered directly or through a 3rd party, would be guilty of a felony and upon conviction be jailed a maximum of 5 years, fined a maximum of \$5,000, or both. This penalty also would apply to anyone who knowingly assists, solicits or conspires with someone else to present a false claim for payment under these provisions.

Adjustment of Claims Ceded to Reinsurance Facility (H. 3485, Rep. Clyborne). This bill would require the adjustment of any claim or loss arising out of a policy of auto liability insurance ceded to the Reinsurance Facility to be rotated among adjusters licensed to do business in South Carolina. Those licensed adjusters desiring to handle these claims or losses would notify the governing board of the Facility. The board would rotate the adjustment of these claims in a systematic manner it determines so that all adjusters so desiring and within a specified geographical radius of the claims as set by the board are given equal opportunity to adjust the claims. The board also would develop a uniform compensation scheme by which the adjusters are paid, and in developing its rotation and compensation systems the board would endeavor to be as consistent as possible with other systems in state government where

claims are rotated among adjusters.

Drug and Alcohol Testing for Prospective State Employees (H. 3491, Rep. Neilson). This bill authorizes state government agencies and departments to test prospective employees for alcohol and drugs. The bill details how drug testing is to be conducted and provides that this testing must be carried out within the terms of a written policy available for review by prospective employees. Within the terms of the policy, the employer could require drug and alcohol testing for the purpose of determining a prospective employee's ability to perform specified duties in the workplace efficiently and with safety for other employees and the public. Upon receipt of a verified or confirmed positive drug or alcohol test result which indicates a violation of the employer's written policy, or upon the refusal of the prospective employee to provide a sample, an employer could use this test or refusal as the basis for refusing to hire the prospective employee.

The bill also allows for a confirmation test if the initial drug or alcohol test of a prospective employee is positive and provides that if the result of the confirmation test is negative, the initial test result is declared invalid, and another test must be conducted. The bill also protects the employers from lawsuits pertaining to the existence or non-existence of drug and alcohol testing as authorized by these provisions and provides exceptions.

Auto Insurance Classifications (H. 3493, Rep. Neilson). This bill would require that when a person in Youthful Driver Classification for auto insurance purposes reaches age 25 during a policy period, he must be removed from this classification and be reclassified. Furthermore, the person must be refunded any excess premiums paid.

Medical, Military, Public and Municipal Affairs

State Fire Commission (H. 3456, Rep. Harvin). This bill reduces the size of the State Fire Commission from 19 to 18 members and requires that the consumer representative serving on the Commission not be from any of the professions currently required to be represented on the Commission. The bill also provides that the chairman of the Commission is to be elected by the Commission, as opposed to the current practice of the General Assembly electing the Commission chairman.

Responsible Parenting (H. 3464, Rep. McElveen). Under this bill, before a family qualified to receive Aid to Families with Dependent Children (AFDC) can receive benefits, the mother and the father, if living in the home, would have to be counseled on the responsibilities of parenthood and on birth control options. Upon conclusion of the counseling, the mother would be given the opportunity to choose whether or not to receive Norplant or a similar reversible birth control device that prevents pregnancy for

a period of time comparable to Norplant, at the expense of the State. If the mother chooses not to have implanted Norplant or a similar device, and a child is born into the family, then the family could not include the child in the family size for the purpose of determining AFDC benefits and therefore could not receive an increase in payments to which the family otherwise would be entitled.

A family that discontinues receiving AFDC benefits and who subsequently reapplies for benefits could not include any more children in the family size for the purpose of determining AFDC benefits the family is to receive than were included in the family size at the time the family discontinued receiving AFDC benefits, unless the family did not receive AFDC benefits for at least 2 years. The bill also provides that no family could be penalized if the mother received Norplant or a similar device and the device failed to prevent pregnancy. The State would be immune from any liability that may arise as a result of a woman choosing Norplant or a similar birth control device under these provisions.

Hospital Charges (H. 3468, Rep. Rudnick). This bill would require a hospital to display prominently and conspicuously in its main entrance a list of its standard charges and fees. A hospital failing to display this list would be subject to a fine of \$5,000.

Prohibition Against Power Lines (H. 3478, Rep. J. Bailey). This bill would prohibit electrical power lines, wires or systems capable of transmitting more than 50 kilovolts of electricity from being erected, whether above or below ground, within 250 yards of any public, private, vocational or technical school or institution of higher learning. A person violating these provisions must pay a \$5 penalty for each day the violation continues after the expiration of 30 days from the date on which he was given notice specifying the fault or defect in the erection of the lines. This penalty could be recovered by a citizen's suit in any county where the violation occurs and the sum recovered following payment of expenses incurred in the prosecution would be paid into the county treasury.

The bill states that these provisions apply only to those lines, wires or systems erected after the bill is signed into law.

South Carolina Full Employment Act (H. 3487, Rep. Clyborne). This measure is designed to reduce the need for welfare in South Carolina. Under these provisions, a demonstration program known as the Full Employment Program is established. This program would be a 3-year test pilot program in Charleston, Greenville and Richland Counties to note the effects of replacing various welfare and unemployment insurance benefits with guaranteed paid employment. During the test project, normal AFDC, unemployment compensation and food stamp benefits would be suspended in those counties. The program would assign those otherwise eligible for benefits, and others in need of work, to wage-paying public and private sector jobs designed to increase their self-sufficiency and improve their

competitive position in the work force. The target goals of this project would be to reduce the AFDC, food stamp and unemployment compensation caseloads in the pilot counties by 50 percent by the end of the 3rd year of the pilot test and to reduce costs associated with those programs by 25 percent during that time.

This measure would lead to creation of a Full Employment Program Review Commission, which would assist the Department of Social Services in carrying out these provisions. The joint resolution lists appointments to the commission and provides that the commission will monitor the program's progress, assess the program's effectiveness and receive and develop recommendations for program improvement. In each of the test counties there would be established a Full Employment Program Local Implementation Council, which would establish policies and procedures for operation of the program within those counties. The bill provides for membership of this council. In order to meet the necessary expenditures for this program, a Full Employment Program Special Fund is created. All funds appropriated for expenditure by or apportioned by the state for operation of AFDC, JOBS and food stamp programs in the pilot counties would accrue to the program's special fund. The Employment Service Commission also would levy a full employment program tax on all South Carolina employers required to pay state unemployment compensation contributions, at a rate sufficient to produce revenues in the amount equal to unemployment compensation contribution revenues currently collected within the pilot counties. All program tax revenues would accrue to the program special fund. Simultaneous with levying the program tax, the Employment Service Commission would reduce the unemployment compensation contribution rates so as to reduce total unemployment compensation revenues by the amount equal to the amount of revenues produced by the program tax.

Any resident of the pilot counties who is 18 or older is eligible to participate in the program, although residents of these counties between 16 and 18 would be eligible for summer work in the program. At least quarterly during the 3 year test project, the Department of Social Services would report the status and progress of the program to the Review Commission, General Assembly and the governor. 6 months before the end of the project, the Department would submit a written report to the Review Commission, General Assembly and governor containing a full, complete description and analysis of the program's operations and results. The report also would include recommendations from the Department as to the potential for statewide implementation of the program. A formal evaluation of the program would be conducted by an independent evaluator reporting to the Review Commission.

This joint resolution provides for wage rates to be paid to program participants and assignment of jobs to participants.

Coin-Operated Machines (H. 3488, Rep. Hodges). This bill would prohibit counties from limiting the number of coin-operated machines within their boundaries. Furthermore, municipalities and counties, by ordinance, would be allowed to license premises which

house machines of the non-payout type which are operated by a slot in which is deposited a coin or other item of value if (1) the machine is for the playing of games or amusements and has a free play feature and levers or flippers operated by the player by which the course of the balls can be altered or changed, or (2) if the machine is an in-line pin game or video game with a free play feature. Municipalities and counties could only impose the license if these machines already comply with other provisions as provided by state law. If both the county and municipality pass ordinances to license the premises, the county could not charge a license tax within the incorporated area of the county. The license fee which could be charged would not exceed \$50 for the machines listed above with levers or flippers and \$100 for the in-line pin games or video games. In every municipality and county which by ordinance provides for the licensing of these premises, it is required that the premises license fee must be paid and that the license must be issued by the municipality or the county. Without a properly issued premises license, the presence of these machines would be unlawful, and if a license is revoked by the municipality or county, the presence of these machines on the premises also would be unlawful.

If a licensee or his agent under these provisions is convicted of violating any of the state's gambling laws, the premises license must be revoked for 1 year for the first offense and for 2 years for a second and subsequent offense. A person violating these provisions would be guilty of a misdemeanor and upon conviction be fined not more than \$1,000 or jailed not more than 6 months, or both.

Ways and Means

State Health and Dental Coverage (H. 3426, Rep. P. Harris). Under this bill, employees, retirees and their eligible dependents of the South Carolina Protection and Advocacy System for the Handicapped would be eligible for coverage under the state health and dental insurance plans.

Outside Employment (H. 3434, Rep. Quinn). This bill would prohibit an officer or employee of the State or its political subdivisions, departments, or agencies whose annual compensation as determined by the General Assembly exceeds \$80,000 yearly, from accepting supplemental employment or income from another employer if that supplemental employment or income is derived from funds appropriated by the General Assembly. These provisions would not apply, however, to employees whose primary employer is a state-supported institution of higher learning where the supplemental employment or income is provided through grants, foundations or other sources for research, educational, artistic or similar purposes. However, funds from a state-supported institution of higher education could not be used to supplement the salary of an employee whose primary employment is outside the institution's system.

Accommodations Sales Tax (H. 3461, Rep. Richardson). This bill would authorize a county or municipality to impose, by ordinance, a sales tax no exceeding 2 percent on accommodations for transients. This would be in addition to the current 7 percent sales tax on accommodations for transients. The tax could be levied in increments of not less than 0.5 percent. If the tax is imposed by a county, the tax would apply only in the county's unincorporated area. The revenue collected from this tax would be remitted by the State Treasurer to the jurisdiction imposing the tax, and the jurisdiction could only use these revenues for specific tourism-related expenditures, as listed by the bill. The governing body of the jurisdiction imposing the tax would forward to the State Tax Commission a certified copy of the imposition ordinance, and the tax would be imposed beginning on the 1st day of the 4th month following the Tax Commission's receipt of the certified ordinance. Changes in the rate of the tax or repeal of the tax must be made by ordinance and similarly forwarded to the Commission, and these changes or the repeal would take effect in the same manner that the imposition takes effect.

The bill also provides for a jurisdiction to conduct a referendum on repealing or changing the tax rate upon receipt of a petition signed by at least 15 percent of the qualified electors residing in the jurisdiction at the time of the last general election requesting repeal or a change. A referendum on a county-imposed tax could only be held in the county's unincorporated area. If a majority of referendum voters favor a repeal or the revised rate, the jurisdiction's governing body would certify the result to the State Tax Commission.

Scheduling of Local Option Sales Tax Referendums (H. 3475, Rep. Baxley). This bill would require that a referendum held to decide whether a county should implement a local option sales and use tax must be held on the first Tuesday following the first Monday of a general election year (i.e., even-numbered years), and if the referendum were defeated, a referendum for this purpose could not be held more often than once in 4 years, as currently opposed to once every year, and it also would have to be held on the first Tuesday following the first Monday of a general election year.

Tax Deduction for Farmers (H. 3476, Rep. Baxley). This bill would allow a farmer to deduct from his state income tax the wholesale value of produce which he allows a nonprofit or charitable organization to remove from his land after commercial harvesting if the donation qualifies for the exemption from civil liability provided food donors by state law and if the donor reports farm income or loss on his federal income tax return for the taxable year during which he claims this deduction. The South Carolina Tax Commission would prescribe procedures to determine the wholesale value of the donated produce. These provisions would apply to all taxable years after 1992.

Environmental Protection Fund (H. 3483, Rep. Sharpe). This bill would establish the South Carolina Environmental Protection Fund, which would be a special account within the state treasurer's office. This fund would be available to the Department of Health and Environmental Control to help defray the costs of administering the regulatory programs under the Pollution Control Act; Clean Air Act; Safe Drinking Water Act; Hazardous Waste Management Act; Atomic Energy Act; and Oil and Gas Act. This account would be funded by fees, including but not limited to fees for environmental permits, licenses, certificates and registrations, required by the Department pursuant to the acts listed above. The bill lists the maximum fees which can be imposed for those seeking to engage in activities which are affected by the acts.

Tax Exemption for Business Personal Property (H. 3484, Rep. Clyborne). This bill would exempt business personal property from payment of property taxes.

Without Reference

Verification of Auto Insurance Coverage (H. 3424, House Labor, Commerce and Industry Committee). This bill would require the operator or owner of an automobile registered in this state, when issued a traffic ticket for a moving violation by a law enforcement officer, to return to the officer's law enforcement agency within 15 days a form completed by the owner or operator and his insurer. The form would be provided by the officer. Failure to return the verified form would be prima facie evidence that the vehicle was uninsured. The director of the Motor Vehicle Division of the Department of Highways and Public Transportation would waive the reinstatement fee or per diem fine, or both, imposed on the vehicle's owner or operator if he has coverage when determined to be uninsured by the Department. Anyone knowingly submitting false or misleading information regarding this insurance verification would be punished as currently provided under state law. Persons with motor vehicles which are determined to be uninsured under these provisions also would be punished as currently provided under state law. If the operator of the vehicle fails to give the form to the vehicle's owner, this would be prima facie evidence that the operator knowingly furnished false and misleading information to the Department.

The bill would also allow local law enforcement agencies to confiscate motor vehicle registration certificates and plates when the security required on a vehicle has expired and provides that fines collected from someone convicted of failing to voluntarily return his motor vehicle license plates and registration must be paid to the governing body of the local law enforcement agency confiscating the tags and deposited in the local governing body's general fund.

Restriction on Auto Insurance Rate Increase (H. 3425, House Labor, Commerce and Industry Committee). This bill would prohibit an insurer from increasing a person's auto insurance premium if that person is convicted for the first time for violating a county or municipal ordinance prohibiting operation of a motor vehicle in a manner which endangers people and property.

Immunization and Vaccination Requirements (H. 3436, Rep. Mattos). This bill would require that public and private day care facilities admit as pupils only those persons who have been immunized and vaccinated as directed by the State Department of Environmental Control. The bill would also require day care facilities to maintain records of their pupils' immunizations and vaccinations.

Waiving of Penalty for Delinquent Taxes (H. 3462, Rep. Rudnick). This bill would authorize a county treasurer to waive the penalty imposed for late payment of county taxes if the treasurer determines that the payment was late through no fault of the taxpayer.

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